

U.S. Department  
of Transportation

**Federal Railroad  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

APR 28 2003

Mr. Richard L. Keller  
Chief Engineer  
Montana Rail link, Inc.  
101 International Way  
Post Office Box 16390  
Missoula, Montana 59808-6390

*FRA-2002-13967-5*

OFFICE OF CHIEF COUNSEL  
2003 APR 30 PM 2:48

**Re: Docket Number FRA-2002-13967**

Dear Mr. Keller:

On April 9, 2003, the Federal Railroad Administration (FRA) granted approval of the Montana Rail Link, Inc. (MRL) waiver request referenced above. The petition requested a waiver of compliance from the provisions of Title 49, Part 213 of the Code of Federal Regulations (CFR) - Rail joints, §213.121(b) which states:

*"If a joint bar on Classes 3 through 5 track is cracked, broken, or because of wear allows excessive vertical movement of either rail when all bolts are tight, it shall be replaced."*

The MRL requested relief from cracks which can develop between the outermost bolt holes<sup>1</sup> of a specified 115-pound six-hole skirted joint bar in use on 115-pound rail. As a result of a design flaw which incorporated spike notches in the skirted portion of the bar, the notches act as stress risers from which cracks develop and propagate diagonally upward. Please keep in mind that while FRA has found no historical evidence that cracks turn and propagate horizontally at any time during their growth, it reserves the right to modify or revoke the waiver if such conditions do occur. Accordingly, the MRL is granted relief subject to the following conditions:

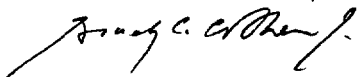
- 1) The waiver shall apply only at the following locations:
  - a) Between Helena, Montana, and the end of double track, Tobin, 5 miles west of Helena on the MRL's Third Subdivision. There are two main tracks involved, Main One between milepost 0.49 and 2.3, and Main Two between milepost 0.0 and 2.8.

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<sup>1</sup>When facing the joint bar from either the gage or field side of the rail, the bolt holes are numbered consecutively (1 through 6) from left to right. The outermost bolt holes are identified as bolt holes 1 and 2, and bolt holes 5 and 6.

- b) Between and including Billings, Montana, and Laurel, Montana, on the MRL's First Subdivision. There are two main tracks involved, Westward Main between milepost 224.9 and 225.2 and between milepost 1.6 and 12.2, and the Eastward Main between milepost 224.9 and 225.2.
- 2) The waiver shall apply only to 115-pound six-hole skirted joint bars, designed with spike notches in the skirted portion of the bar, which are applied to 115-pound conventional rail. The waiver will not apply in any Continuous Welded Rail territory.
- 3) The waiver shall apply only to cracks which originate from the spike notch located between bolt holes 1 and 2, or between bolt holes 5 and 6. Upon complete end failure of any joint bar, the requirements of §213.121(b) shall apply in its entirety. If the crack intersects bolt hole 2 or 5, the track must be reduced to Class 1 in order to comply with the requirements of §213.121(d).
- 4) MRL shall immediately report to FRA any derailment, regardless of damages, involving a joint bar covered under the conditions of this waiver.
- 5) FRA reserves the right to amend or revoke any of the approvals discussed herein based on non-compliance with the conditions imposed or any new information pertaining to the safety of MRL's operations. Furthermore, this waiver is effective for a five-year period commencing from the date of issuance of this letter. At the conclusion of the five-year period, FRA reserves the right to extend the waiver if conditions warrant, provided that MRL has made a written request for an extension to FRA's Office of Safety Assurance and Compliance within six months of the expiration date.

Sincerely,



Grady C. Cothen, Jr  
Deputy Associate Administrator  
for Safety Standards and Program Development